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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SETRA OF NORTH AMERICA, INC.,)

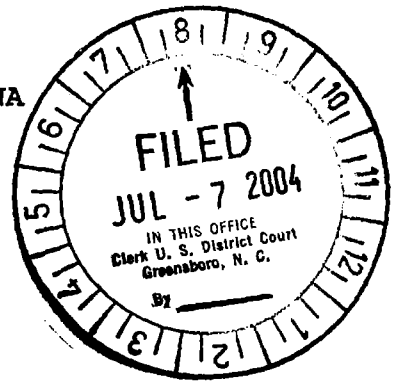
Plaintiff,)

v.)

ERNST and SUSANNA SCHAR,)

Defendants.)

1:03CV00711

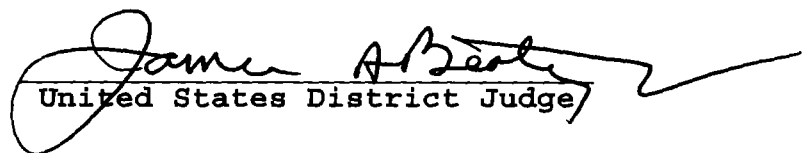


O R D E R

On May 19, 2004, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636.

Therefore, the Court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Schars' motion to dismiss or, in the alternative, to transfer this action (docket no. 7) is granted, that Setra's claims for breach of contract is hereby transferred to the Western District of Texas, and that Setra's claim seeking a declaratory judgment is dismissed. The Clerk is directed to send a certified copy of this Order to the Clerk for the Western District of Texas.


United States District Judge

July 7th, 2004